

GrowSmart Maine Legislative Review for First Regular Session of the 129th Legislative Session, 2019

MOST SIGNIFICANT:

Bonds: The Legislature adjourned without passing a bond package. Among all the bond proposals heard this year, the Governor's bond bill, [LD 1836](#) "An Act To Authorize a General Fund Bond Issue for Infrastructure, Economic Development, Workforce Development and Energy and Environment Investment," is the base for negotiations. If an agreement can be secured, a special session is likely to earn the 2/3 vote required in both House and Senate for a bond package. Bond proposals that were not already voted "Ought Not to Pass" were carried over for the next Special or Regular Session.

[LD 1679](#) An Act To Establish the Maine Climate Change Council To Assist Maine To Mitigate, Prepare for and Adapt to Climate Change The Council is established without an end-date, demonstrating this administration's commitment to addressing climate change. Though the Council membership is set in statute, there are numerous working groups to be convened by the co-chairs of the Council. This provides tremendous potential for MASG members to engage. Here is a status update from Hannah Pingree:

"We expect to have the Governor appoint the Council Members by sometime in August and then the co-chairs appoint the additional working group members. We are planning to launch the council in late September. The meetings will also be public and we will have outside presentations so there will be many ways to participate."

State Strategic Plan: [LD 50](#) proposed MDF lead in developing a statewide economic plan. This evolved or was replaced by Dept of Economic and Community Development leading in the development of a statewide 10-year strategic plan. Public meetings were held across the state a few weeks ago, with a "large convening" scheduled for Sept 10, more than likely in Orono. The working group presents the plan to Gov Mills on Nov. 15.

[Here's](#) a link to the page for the plan with all documents and schedules and online submission site- <https://www.maine.gov/decd/programs/strategic-plan/submit-your-ideas>

[LD 1830](#) An Act Establishing the Office of Policy Innovation and the Future is also a strong positive, providing a central convening place in state government. Issues for which the OPI&F will lead include: climate change, rural economy, early childhood education, and addressing the opioid crisis.

CLIMATE CHANGE, WATER, SEA LEVEL RISE

[LD 199](#) "An Act To Create the Water Resources Planning Committee", establishes the Water Resources Planning Committee within the Department of Agriculture, Conservation and Forestry. The bill describes requirements related to committee membership, meetings and reporting. It also requires the committee to conduct an annual review of state policy in regard to

water resources, provide guidance to municipalities and develop and disseminate educational materials on water resources and the regulatory regime.

[LD 563](#) “An Act To Help Municipalities Prepare for Sea Level Rise” adds to the state’s goals for municipal land use planning and comprehensive plans to plan for the effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant state, regional, municipal or privately held infrastructure, property or resources. In addition, it adds to the section on growth management plan allowing a municipality or multi-municipal region that is in the coastal area to add projections regarding changes in sea level and potential effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant municipal, multi-municipal or privately held infrastructure or property and may develop a coordinated plan for addressing the effects of the rise in sea level. For the purposes of this subsection, "coastal area" has the same meaning as in Title 38, section 1802, subsection 1.

SOLAR:

[LD 91](#) An Act To Eliminate Gross Metering clarifies the definition of net energy billing and amends the PUC net energy billing rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in effect on January 1, 2017.

[LD 1711](#) An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine is a big step forward for solar energy production in Maine. This bill addressed limits to the number of owners for a community solar project, requires the PUC to submit metering and billing issues to the legislative committee of oversight, and creates a requirement for the procurement of distributed generation resources while outlining a competitive procurement process.

LAND USE AND PLANNING, HOUSING AND BUILDING CODES

Land Use Planning Commission: **[LD 568](#) An Act To Change the Composition of the Maine Land Use Planning Commission** and **[LD 1561](#) An Act To Amend the Maine Land Use Planning Commission Laws and Enhance the Economic Vitality of Neighboring Communities** both proposed adjustments to the appointment of Commissioners to the Land Use Planning Commission, increasing the number of appointments made by the Governor. LD 1561 also proposed changes to the Adjacency rules. Both bills came out of committee with a divided report and died in the full Legislature.

[LD 970](#) An Act To Encourage Policies Regarding Accessory Dwelling Units under Local Comprehensive Plans and Zoning Requirements, clarifies the definition and encourages municipalities to develop policies in the comprehensive planning process that provide for accessory dwelling units. It does not require municipalities to permit accessory dwelling units.

[LD 855](#) An Act To Strengthen the Maine Uniform Building and Energy Code transfers oversight of the MUBEC from the Dept of Economic and Community Development to the Dept

of Public Safety/Office of the Fire Marshal. Provisions to improve and fund associated training were removed from the original bill.

[LD 1509](#) **An Act To Amend the Laws Governing the Maine Uniform Building and Energy Code**, adds Efficiency Maine as a non-voting member of the MUBEC board and states that municipalities with under 4,000 population are not required to enforce the statewide code.

[LD 1543](#) **An Act To Clarify the Limits of the Maine Uniform Building and Energy Code**, adds an appendix to MUBEC of tighter energy efficiency codes that can be adopted voluntarily by municipalities.

[LD 1131](#) **Resolve, Directing the Maine State Housing Authority To Study and Report on the Need for Modifications To Make Homes Accessible for Senior Citizens and Persons with Disabilities** directs the Maine State Housing Authority to work with interested parties to study and make recommendations to the Second Regular Session of the 129th Legislature regarding the need, with reference to geographical areas of the State, for home modifications to provide accessibility for low-income older or disabled residents of the State in order to permit those persons to remain in their homes and avoid institutionalization.

[LD 1645](#) **An Act To Create Affordable Workforce and Senior Housing and Preserve Affordable Rural Housing** would create a state low-income housing tax credit. It came out of committee with unanimous support and passed both House and Senate. It has been carried over until the Second Regular Session, with a fiscal note of \$17.3M in the first year and \$19 million in the second. This proposal is expected to double the amount of affordable housing built in Maine annually.

TRANSPORTATION:

[LD 945](#) **Resolve, To Establish the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems** creates a 15-member commission to report on its findings to the Joint Standing Committee on Transportation by January 3, 2020. The commission shall study how to reform and adequately supplement funding for the State's transportation infrastructure to promote equity, sustainability and predictability so that the State can responsibly provide safe and reliable state transportation systems. The commission shall focus on funding the state highway and bridge system and shall also develop findings or recommendations on the need and potential funding solutions for multimodal transportation infrastructure.

[LD 1223](#) **'Resolve, Directing the Department of Transportation To Incorporate Transportation Demand Management Strategies in Its Rules Pertaining to Traffic Movement Permits'** requires the Commissioner of Transportation to form a stakeholder group to review the Department of Transportation's rules pertaining to the traffic movement permit process. The commissioner is required to submit major substantive rules amending the traffic movement permit process adopted pursuant to the Maine Revised Statutes, Title 23, section 704-A, based on the findings and recommendations of the stakeholder group, no later than

February 1, 2020. It also allows the Joint Standing Committee on Transportation to introduce a bill related to the traffic movement permit process during the Second Regular Session of the 129th Legislature. GrowSmart Maine is participating in this stakeholder group.

[LD 1266](#) An Act To Create Transportation Corridor Districts for the Purpose of Funding Transportation and Transit Services This law provides for the formation of transportation corridor districts within the current law relating to transit districts and regional transportation corporations. A municipality may, by itself or in cooperation with one or more other municipalities, form a transportation corridor district for the purposes of providing an environment to fund public transportation and serve accessibility needs, including passenger rail, ferry, bus, bicycle and pedestrian facilities and routes, and promoting economic development at transportation station areas and in downtown areas. It requires that the formation of a transportation corridor district be approved by voter referendum in each participating municipality. It also provides that a transportation corridor district, if approved by voter referendum in each municipality participating in the district, may borrow money temporarily and issue its negotiable notes for that money and issue securities of the district.

NEXT SESSION: (Bills carried over to the Second Regular Session, 2020)

Local Option Sales Tax: Of the numerous proposals for a LOST, none became law this year.

[LD 1254](#) An Act To Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding To Treat Opioid Use Disorder and **[LD 609](#) An Act To Provide Municipalities Additional Sales Tax Revenue from Lodging Sales** have been carried over.

[LD 650](#) An Act To Strengthen Maine's Landowner Relations Program funds five additional Deputy Game Warden positions for this program, with a fiscal note of roughly \$200,000 annually. This was one of the recommendations of the [Land Conservation Task Force](#) seen as an important step to protect Maine's tradition of public access to private lands. It has been carried over to next year.

[LD 778](#) An Act To Create the Fund for Municipalities To Improve Pedestrian Safety establishes the Fund and states it may receive revenue from uncommitted balances in the Multimodal Transportation Fund and other funds from public or private sources.

[LD 1127](#) An Act To Expand Community-based Solar Energy in Maine requires the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts with community-based solar photovoltaic energy generating facilities.

[LD 1258](#) An Act To Increase Access to Transportation for Workforce and Other Essential Transportation Needs provides funding to the Department of Transportation from the General Fund instead of the Highway Fund to support and expand local volunteer driver networks and for regional transportation providers through the State to expand their services. Resources must be distributed evenly between urban and rural areas. It has an annual fiscal note of \$10 million.

[LD 1481](#) **An Act To Establish the Big Moose Mountain Regional Development Authority** was carried over pending final outcome of a related lawsuit. This bill establishes the Big Moose Mountain Regional Development Authority to carry out the State's public-interest objectives related to the ski area and resort and other related recreational facilities on Big Moose Mountain and to create economic development benefits in the area of Big Moose Mountain.

[LD 1821](#) **Resolve, To Address the Population Shortage in Rural Maine** directs the Department of Economic and Community Development to work with the Northern Border Regional Commission in the establishment of a program to recruit working families to relocate to rural areas of the State.